761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

*A Tradition of Service*

DATE: February 26, 2010

OFFICE CORRESPONDENCE FILE NO. SH2218495

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
**DEPUTY ARMANDO AREVALO #[redacted]**
**DEPUTY WILLIAM CORDERO #[redacted]**
**OPERATION SAFE STREETS BUREAU**

On April 12, 2008, at approximately 1551 hours, Deputies Armando Arevalo and William Cordero shot Suspect Fernando Cortez, Jr. while trying to disarm the suspect of his revolver.

Deputies Arevalo and Cordero were [redacted] when Deputy Arevalo received a cellular phone call from the [redacted] of Suspect Cortez. Deputy Arevalo had previously provided his personal cellular phone number to the [redacted] as one of many store owners, as a contact number regarding any gang problems. The [redacted] indicated that his [redacted] Suspect Cortez, was inside a small market which the [redacted] owned, located across the street from Deputy Arevalo's [redacted]. The [redacted] informed Deputy Arevalo that his [redacted] Suspect Cortez, had a handgun in his possession.

Deputies Arevalo and Cordero entered the market and contacted the suspect. The deputies instructed the suspect to take a kneeling position and he complied. As the deputies tried to search the suspect, he tried to rise to his feet. As Deputy Arevalo grabbed onto Suspect Cortez' left shoulder, Suspect Cortez immediately turned around and threw several punches at Deputies Arevalo and Cordero. In an attempt to break free from Deputies Arevalo and Cordero, Suspect Cortez pulled himself backwards, and he knocked items off the shelves.

Suspect Cortez dropped his left hand into the left front pants pocket. Deputy Arevalo saw Suspect Cortez gripping onto something while pulling it out of his pocket. Deputy Arevalo yelled out to Deputy Cordero,"Gun, gun, gun!" He then told Deputy Cordero to release Suspect Cortez because he, Deputy Arevalo, was firing. When Suspect Cortez retrieved a loaded .32 caliber revolver from his left pants pocket, Deputies Arevalo and Cordero, fearing for their lives, each fired once, striking the suspect.

Suspect Cortez sustained two gunshot wounds to the upper torso. He was pronounced dead at the location. The suspect's weapon, a .32 caliber revolver, was recovered from the scene.

On February 18, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Armando Arevalo #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy William Cordero #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

# Table of Contents

# Los Ar eles County Sheriff's Depa tment

# Officer Involved Shooting



| Report Date: 01-15-10 | Bureau/Station/Facility: OHS/OSS | Admin. Invest.? ☐ Hit? ☒ |
|---|---|---|

## Incident Information

| URN: 008-80490-2199-013 | Date: 04-12-08 | Time: 1753 hours |
|---|---|---|

City or Station: Los Angeles

Location: 1526 East 92nd Street "El Ranchito Market"

Nature of Incident: Deputies recvd info that a male possibly armed with gun inside a store. Upon contacting suspect, he resisted, then hit both deputies with fists. When susp reached into pocket, partially removing a handgun, both deputies each fired one round at susp, killing him.

Location Type (*circle one or more*): Backyard, Beach, **(Business)**, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **(Daylight)**, Other, Street Lights

Weather (*circle only one*): **(Clear)**, Cloudy, Fog, Rain

Distance:

Total # of Shots Fired by Deputy:

Total # of Shots Fired by Suspect:

Incident Type (*circle one or more*): Accidental, **(Armed Person)**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, **(Struggle Involved)**, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **(Call)**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)**

Aero Unit? ☐ Canine Unit? ☐

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*) | ShiftType (*circle only one*) |
|---|---|---|---|---|---|
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |

## Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I.

Street Address [redacted] City [redacted] Zip Code [redacted] [redacted] [redacted]

Last Name [redacted] First Name [redacted] M.I.

Street Address [redacted] City [redacted] Zip Code [redacted] [redacted] [redacted]

Last Name [redacted] First Name [redacted] M.I.

Street Address [redacted] City [redacted] Zip Code [redacted] Work Ph. [redacted] Home Ph. [redacted]

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*circle one or more*) |
|---|---|---|---|---|
| [redacted] | Chavez | Ernest | E. | **(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting |
| [redacted] | Duerr | Timothy | J. | **(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| | | | |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Hebert | Kevin | E. |

**PSTD Use Only**

SH # 2218495

SH-R-438A rev. 3/07

See Reverse

# Officer Involved Shooting

URN: 008-80490-2199-013



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 04-12-08 | 2000 | 01-15-10 | |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Anderson | Clay | J. |
| [redacted] | Grote | Dinah | L. |
| [redacted] | Flores | David | |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

( 9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S | E#1 | PH | | | | | BR | AR |
| S | E#2 | PH | | | | | AB | AR |
| E#1 | S | CT | | | | | NN | |
| E#2 | S | CT | | | | | NN | |
| S | E#1, E#2 | FH | HA | 32 | | | NN | |
| E#1 | S | FH | BR | 9 | Y | Y | DH | AR |
| E#2 | S | FH | BR | 9 | Y | Y | DH | HE |
| | | | | | | | | |
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See Front Side

# SUPPLEMENTAL NON-EMPLOYEE WITNESSES
## Los Angeles County Sheriff's Department



**Non-Employee Witnesses**

| | | | |
|---|---|---|---|
| Last Name [redacted] | First Name [redacted] | | M.I. [redacted] |
| Street Address [redacted] | Zip Code [redacted] | Work Ph | Home Ph [redacted] |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |

# Officer Involved Shooting
# Involved Employee Information

URN: 008-80490-2199-013



## Involved Employee

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Arevalo | First Name: Armando | M.I.: J. |
| Sex: M Race: H | Rank: DSG | Unit Assignment: OSS/GET | Work Assignment (Unit #, Module, etc.): 210G18 |
| ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☒ |
| Hrs of sleep prior to shooting: 7 | Duty [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: 5' 08" Weight: 160 | | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon [redacted] Used? | Patrol Certification? [redacted] | Certification Unit: [redacted] Prior Shootings? ☒ | Number of Prior Shootings: 1 Directed Force: [redacted] |
| Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 1 | Weapons Fired Brand: Caliber: # Shots: | | |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

**E 2**

| | | | |
|---|---|---|---|
| Employee [redacted] | Last Name: Cordero | First Name: William | M.I.: R. |
| Sex: M Race: C | Rank: DSG | Unit Assignment: OSS/GET | Work Assignment (Unit #, Module, etc.): 210G18 |
| ShiftTime (*circle only one*): EM (PM) Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☒ |
| Hrs of sleep prior to shooting: 8 | Duty [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: 5' 11" Weight: 180 | | | |
| Range Qualification Date: 02-28-08 | PPC Qualification Date: 03-12-07 | Laser Training Date: 09-18-06 | |
| Certified with Weapo[redacted] Used? | Patrol Certification? [redacted] | Certification Unit: [redacted] Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 1 | Weapons Fired Brand: Caliber: # Shots: | | |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

**E__**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: Height: Weight: | | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: Prior Shootings? ☐ | Number of Prior Shootings: Directed Force: ☐ |
| Weapons Fired Brand: Caliber: # Shots: | Weapons Fired Brand: Caliber: # Shots: | | |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |



See Other Side

# Officer Involved Shooting
# Suspect Information

URN: 008-80490-2199-013



## Suspect Information

**S 1**

| | | |
|---|---|---|
| Last Name: Cortez, Jr. | First Name: Fernando | M.I. |
| AKA Last Name: Lil Fernie | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: M Race: H | Street Addr[redacted] | City [redacted] | [redacted] Zip [redacted] |
| Work Pho[redacted] | H[redacted] | Social Secu[redacted] | Driver's Licen[redacted] |
| Age: 21 D.O.B. 10-16-86 | Height: 5' 06" Weight: 120 | FBI # [redacted] | CII # [redacted] |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☒ | Coroner Case # | Intoxication/Drug Usage? ☒ | Substance Used: Methamphetamine, cocaine |
| Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name | First Name | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name | First Name | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name | First Name | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |



See Other Side



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY ◦ District Attorney
JOHN SPILLANE ◦ Chief Deputy District Attorney
CURTIS A. HAZELL ◦ Assistant District Attorney

JANICE MAURIZI ◦ Director

March 25, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. # 08-0235
L.A.S.D. # 008-80490-2199-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 12, 2008, fatal shooting of Fernando Cortez, Jr., by Los Angeles County Sheriff's Department (LASD) Deputies Armando Arevalo and William Cordero. We find that Deputies Arevalo and Cordero acted lawfully in self-defense and defense of another.

The following analysis is based upon the reports submitted to this office on September 12, 2008, by Detectives Michael Valento and Todd Anderson of the LASD, Homicide Bureau. The District Attorney's Command Center was notified of this incident at 8:24 p.m. on April 12, 2008. The District Attorney Response Team, consisting of Deputy District Attorney Christian Gullon and Senior Investigator [redacted] was notified by the Command Center and responded immediately to the scene. They were given a briefing and a "walk-through" of the scene by investigators. Deputies Arevalo and Cordero gave voluntary statements which were reviewed and considered in our analysis.

## FACTUAL ANALYSIS

On April 12, 2008, at approximately 5:51 p.m., Deputies Armando Arevalo and William Cordero were in full uniform assigned to the Century Station Gang Enforcement Detail. While contacting a pedestrian at [redacted] E. 92 Street in Los Angeles, Arevalo received a telephone call from [redacted] asked Arevalo to come to [redacted] market because his [redacted] Fernando

Cortez, Jr., was possibly under the influence of drugs, threatening his [redacted] and armed with a gun. He provided Arevalo with a description of what his [redacted] was wearing.

Arevalo and Cordero drove their patrol car across the street to the market. They entered the store and immediately noticed Fernando Cortez, Jr. standing near the end of the line of customers waiting to pay for their items. The deputies approached and asked him to turn around and kneel in order to conduct a pat down search for weapons.

Cortez, Jr., began complying by turning around and beginning to kneel. He then quickly turned and began punching the deputies. Cortez, Jr. had his right hand in a cast. The deputies began to struggle with him in the narrow aisle of the market. The deputies ordered him to stop resisting several times. Cortez, Jr. continued to strike the deputies and reached down with his left hand and opened a pocket on his left pants leg. Cortez, Jr. tried to remove a handgun from his pants leg pocket.

Arevalo saw the gun and yelled to Cordero. Arevalo believed he was about to be shot and fired one round from his department issued weapon. Cordero also believed he was about to be shot and fired one round from his weapon. Cortez, Jr. was struck once in the right arm and once in the left neck. He released the gun and fell to the floor. Cordero recovered the handgun from Cortez, Jr.'s pants leg pocket. Emergency medical personnel were called to the scene. Cortez, Jr. was pronounced dead at the scene by paramedics.

On April 14, 2008, Deputy Medical Examiner Ajay J. Panchal, M.D. of the Los Angeles County Coroner's Office conducted an autopsy on the body of Fernando Cortez, Jr. Dr. Panchal ascribed Taylor's death to a gunshot wound to the neck received on April 12, 2008. The toxicology report indicated measurable amounts of codeine, cocaine, marijuana, and methamphetamines.

## CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury. *California Jury Instructions — Criminal* 5.12 *et. seq.*

The evidence examined in this investigation shows that Fernando Cortez, Jr., was in possession of a handgun, was not complying with the deputies' commands, and tried to draw the weapon while fighting with the deputies. Cortez's actions placed Deputies Arevalo and Cordero in reasonable fear of death and great bodily injury.

We find that the deputies' response with deadly force was reasonable under the circumstances in lawful self-defense and defense of another. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CHRISTIAN GULLON
Deputy District Attorney
(213) 974-3880

c: Deputy Armando Arevalo, #[redacted]
Deputy William Cordero #[redacted]